

NATURAL RESOURCES BOARD Minutes

The regular meeting of the Natural Resources Board was held on Wednesday, March 26, 2003, in Room 027 of the State Natural Resources Building (GEF 2), Madison Wisconsin. The meeting was called to order at 8:40 a.m. All March Board Agenda business was conducted by the Full Board.

PRESENT: Trygve A. Solberg, Chair
James E. Tiefenthaler, Vice Chair
Herbert F. Behnke
Jonathan P. Ela
Howard D. Poulson
Stephen D. Willett

ABSENT: Gerald W. O'Brien, Secretary

ORDER OF BUSINESS

1. Minutes to be approved.
- 1.A. Full Board Minutes of February 26, 2003.

Mr. Poulson MOVED, seconded by Mr. Behnke, approval of the Full Board Minutes of February, 2003, as presented. The motion was carried unanimously by those members present. (Mr. O'Brien was absent).

- 1.B. Agenda for March 26, 2003.

Secretary Hassett requested under Committee of the Whole to defer Item 4.E. Crandon Mine, add to Item 4.I.8. Karen Vander Venter Retirement, Item 4.I.9. Donald Ward Retirement, Item 4.I.10. James Froelich Retirement, Item 4.I.11. Glenda Banaszynski Retirement; to Secretary Matters change: Item 7.A. Donation from Project Child Safe increasing from 32,000 gun locks to 50,000 gun locks, addition of Item 7.C. Donation from the Kettle Moraine Natural History Association for prairie and wetland restoration at the Scuppernong River Habitat Area, and Item 7.D. Request from the Natural Resources Senate Committee for Modification to Order FH-28-02 creation of NR 109, pertaining to aquatic plants; introduction, manual removal and mechanical control regulations (adopted by NRB on December 4, 2002) (Item 3.A.2., Minutes of December 4, 2002).

With those changes Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, approval of the Agenda for March 26, 2003, as presented. The motion was carried unanimously by those members present. (Mr. O'Brien was absent).

2. Ratification of acts of the Department Secretary.
- 2.A. Real estate transactions.

Mr. Tiefenthaler MOVED, seconded by Mr. Ela, approval of the real estate transactions, as printed. The motion was carried unanimously by those members present. (Mr. O'Brien was absent).

3. Operating Committees.
- 3.A. Air, Waste and Water/Enforcement Committee.
- 3.A.1. Minutes. There were no Committee minutes for February 2003 since all agenda items were taken up during the Full Board Meeting.

3.A.2. Approval of the Laboratory Certification Program's budget and fee schedule for FY 2004.

Greg Pils, Audit Chemist, presented the approval of the laboratory certification program's budget and fee schedule for FY 2004. Mr. Pils reviewed the background of the program. He then presented the budget items as follows with a correction to the subtotal of \$478,000 of Salary and Fringe for the FY 2004 budget:

- Salary and Fringe
- Supplies and Services
- Information and Technology

Mr. Pils compared the program budget throughout the years and presented the number of participating laboratories by fiscal year.

Mr. Willett requested that Mr. Pils explain to the new Board Members why it was beneficial to have out of state consulting. Mr. Pils explained why this is beneficial to the State of Wisconsin.

He continued with his presentation with the laboratory certification program fee schedule, the public hearings, the number of labs, available RVU's, and the cost per fee item by fiscal year, of which is outlined in the green sheet. Mr. Pils stated that the members of the Certification Standards Review Council passed a resolution recommending approval, a copy of which is in the green sheet packet. Mr. Pils stated that the estimate of \$546,736 was significantly below the spending authority and requested approval of the Laboratory Certification Program's budget and fee schedule for FY 2004.

Mr. Willett MOVED, seconded by Mr. Tiefenthaler approval of the Laboratory Certification Program's budget and fee schedule for FY 2004. The motion was carried unanimously by those members present. (Mr. O'Brien was absent).

3.A.3. Authorization for hearing on revision of Chapters NR 460, NR 465, and NR 484, Wis. Adm. Code, pertaining to national emission standards for hazardous air pollutants for facilities that apply surface coatings to large appliances.

Jeff Hanson, Construction Permit Team Leader, presented the authorization for hearing on revision of Chapters NR 460, NR 465, and NR 484, pertaining to national emission standards for hazardous air pollutants for facilities that apply surface coatings to large appliances. These chapters would adopt existing natural emission standards for hazardous air pollutants for surface coating of large appliances. He reviewed the background of this rule and asked the Board to approve this authorization for hearing.

Mr. Willett MOVED, seconded by Mr. Behnke authorization for hearing on revision of Chapter NR 460, NR 465, and NR 484, Wis. Adm. Code, pertaining to national emission standards for hazardous air pollutants for facilities that apply surface coatings to large appliances. The motion was carried unanimously by those members. (Mr. O'Brien was absent).

3.A.4. Authorization for hearing on revision of Chapters NR 204, NR 214, NR 219, and NR 518, Wis. Adm. Code, pertaining to PCB soil criteria rule amendments.

Kevin Kessler, Division Special Projects Assistant, presented the authorization for hearing on revision of Chapters NR 204, NR 214, NR 219, and NR 518 pertaining to PCB soil criteria rule amendments. Mr. Kessler reviewed the background of this effort with PCBs. He spoke of the Advisory Committee working on this issue, as summarized in the green sheet packet. Mr. Kessler spoke of alternatives. He stated that the Advisory Committee decided they liked the alternative of establishing maximum annual PCB soil application rates. The voluntary guidance was distributed in February 2003. Based upon the input from the Advisory Committee, the Department proposes to adopt interim rules for PCBs. The rules will apply to industrial and municipal sludge as well as solid wastes that are spread on the land. These rules establish maximum annual application rates, requirements for PCB testing, and pollution prevention requirements. The proposed rules contain a re-opener clause stating that once EPA has adopted it's sludge regulations for

dioxin and dioxin-like compounds, the rule provisions will be examined to determine whether they should be amended.

Mr. Behnke asked the number of municipalities that have taken action to ban land spreading in their township. **Mr. Kessler** called upon Greg Kester to respond. Mr. Kester stated there weren't any. **Mr. Behnke** stated that in Shawano County there have been several townships that have done this. Mr. Kester stated that there weren't any on the countywide basis that he was aware of. He stated that he was not aware of any in Shawano County. **Mr. Behnke** responded that he thought the Town of Washington in Shawano County did take action to band this a few years ago. Mr. Kester stated that he had not heard of that.

Mr. Ela asked for clarification on how the federal establishment of a soil concentration standard for dioxin is going to help break the deadlock in Wisconsin for soil concentration standards. **Mr. Kessler** explained this issue using examples.

Mr. Willett MOVED, seconded by Mr. Behnke authorization for hearing on revision of Chapter NR 204, NR 214, NR 219, and NR 518, Wis. Adm. Code, pertaining to PCB soil criteria rule amendments. The motion was carried unanimously by those members. (Mr. O'Brien was absent).

3.B. Land, Management Recreation and Fisheries/Wildlife Committee.

3.B.1. Minutes. There were no Committee minutes for February 2003 since all agenda items were taken up during the Full Board Meeting.

3.B.2. Adoption of Order WM-02-03 - revision of Chapters NR 10 and NR 15, Wis. Adm. Code, pertaining to Wildlife Management Housekeeping.

Kurt Thiede, Wildlife Regulations, Policy and Outreach Specialist, presented the adoption of Order WM-02-03 - revision of Chapters NR 10 and NR 15 pertaining to Wildlife Management Housekeeping.

Mr. Tiefenthaler asked what happens if Teacher's Convention isn't over the T-Zone, he asked how it could be changed. **Mr. Thiede** responded they checked with the school districts and the schools go the last Thursday and Friday, that is the way it has been throughout the years, in October. **Mr. Willett** stated they could change it, it is a rule.

Mr. Behnke MOVED, seconded by Mr. Willett, adoption Order WM-02-03 - revision of Chapters NR 10 and NR 15, Wis. Adm. Code, pertaining to Wildlife Management Housekeeping, as presented. The order was carried unanimously by those members present. (Mr. O'Brien was absent).

3.B.3. Authorization for hearing on revision of Chapter NR 46, Wis. Adm. Code, pertaining to the Forest Tax Program.

Linda DePaul, Forest Stewardship Coordinator, was scheduled to present the authorization for hearing on revision of Chapter NR 46, pertaining to the Forest Tax Program. Carol Nielsen, Forest Tax Program Manager, spoke in place of Ms. DePaul. Ms. Nielsen a summary of the rules, and why it is being proposed. This would take DNR staff less time to process applications. They need to clarify where money is credited so there is enough to cover the recording fees out of these new applications fees. Also, they need to clarify what constitutes the qualifying plan and the building limitations that were imposed years ago and also apply to these new forest crop laws. Ms. Nielsen asked the Board to approve authorization for hearing.

Mr. Behnke MOVED, seconded by Mr. Willett authorization for hearing on revision of Chapter NR 46, Wis. Adm. Code, pertaining to the Forest Tax Program. The motion was carried unanimously by those members. (Mr. O'Brien was absent).

3.B.4. Authorization for hearing on revision of Chapter NR 45, Wis. Adm. Code, pertaining to code governing public use of Department properties.

Kathryn Fitzgerald Land Management Section Chief, presented the authorization for hearing on revision of Chapter NR 45, pertaining to code governing public use of Department properties. Ms. Fitzgerald identified the purpose of the rule as indicated in the green sheet. She stated the green sheet provides details on each proposal and the reasons for making it. She stated that many of these fees had not been raised in many years, such as the camping fees over ten years, electrical fees and trail fees over nine years. Ms. Fitzgerald asked the Board approval to hold public hearings.

Discussion and comments pursued regarding; trail fees; expenditures greatly exceeding the revenue; getting one of the Legislative Committees involved with trail fees; Department of Tourism getting involved; Clarification that the enforcement effort isn't working; horse back riding, mountain bikes, and hikers using the trails; and commercial use permits and commercial photography permits on DNR owned properties.

Mr. Miller stated that if it was okay with the Board he would take the Board's suggestions as a Board directive and work with Ms. Osternberg, Land Administrator, Secretary Hassett, and come up with a plan regarding trail fees. **Chairman Solberg** stated that when this comes back as an action item, they need to give some directive at that time for the Legislature.

Mr. Ela observed that according to the Department's summary of the proposed rule revision, the Dane County Humane Society has been neutering captured feral cats and releasing them into the wild. He expressed concern about the depredations caused by feral cats to native birds and small wildlife, and requested that the staff report back at some future meeting about how prevalent this practice is in Wisconsin, and how state policies regarding the introduction of invasive species might apply.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler authorization for hearing on revision of Chapter NR 45, Wis. Adm. Code, pertaining to code governing public use of Department properties. The motion was carried unanimously by those members. (Mr. O'Brien was absent).

3.B.5. Authorization for hearing on revision of Chapter NR 25, Wis. Adm. Code, pertaining to commercial fishing in Lake Michigan - outlying waters.

Mike Staggs, Fisheries Management and Habitat Protection Director, was scheduled to present this item, however, **Mr. Bill Horns**, Great Lakes Specialist, presented authorization for hearing on revision of Chapter NR 25, pertaining to commercial fishing in Lake Michigan - outlying waters.

Chairman Solberg asked that there be another public hearing in Milwaukee at 7:00 p.m. **Mr. Horns** stated there could be.

Mr. Horns gave the background of the authorization on revision of Chapter NR 25. This is a modified rule, a reasonable compromise, which they feel warrant additional hearings.

Mr. Behnke asked if Mr. Horns had received the handwritten letter from Mr. Pete LeClaire asking that if Mike Staggs is going to have another public hearing in April on the whitefish issue if they can agree to have an emergency rule passed in May that would at least open the season in 2003. Mr. Horns responded that they did receive Mr. LeClaire's letter.

Discussion pursued regarding safety, accidents, information on gear lost by sport fishermen in trap nets, and commercial fishermen having losses.

Mr. Willett MOVED, seconded by Mr. Poulson authorization for hearing on revision of Chapter NR 25, Wis. Adm. Code, pertaining to commercial fishing in Lake Michigan - outlying waters. The motion was carried unanimously by those members. (Mr. O'Brien was absent).

Doug Haag, Real Estate Operations Section Chief, presented the following land items:

3.B.6. Glacial Habitat Restoration Area land acquisition and donation - Winnebago County.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, that the Board approve the purchase of 128.36 acres of land from Bohn Farms, Incorporated and accept the donation of \$67,500 toward the total purchase price of \$128,500 for the Glacial Habitat Restoration Area in Washington County. The motion was carried unanimously by those members present. (Mr. O'Brien was absent).

3.B.7. Lower Wisconsin State Riverway land donation - Dane County.

Mr. Behnke MOVED, seconded by Mr. Ela, that the Board accept the donation of 10 acres of land from Ivan McCranner for the Lower Wisconsin State Riverway in Dane County. The motion was carried unanimously by those members present. (Mr. O'Brien was absent).

3.B.8. Statewide Natural Area land acquisition - Door County.

Mr. Willett MOVED, seconded by Mr. Ela, that the Board approve the purchase of 2 acres of land from the Raymond and Barbara Hansen Trust for \$154,000 for the Statewide Natural Area on Washington Island in Door County. The motion was carried unanimously by those members present. (Mr. O'Brien was absent).

3.B.9. Ice Age Trail land exchange - Dane County.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, that the Board approve the exchange of 89.0 acres of state land for 79.0 acres of land from James and Sheryl Fahey for the Ice Age Trail in Dane County. The motion was carried unanimously by those members present. (Mr. O'Brien was absent).

3.B.10. North Branch Milwaukee River Wildlife and Farming Heritage Area land acquisition and donation - Ozaukee County.

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, that the Board approve the purchase of 73.17 acres of land from Michael and Judith Winker for \$240,000 for the North Branch Milwaukee River Wildlife and Farming Heritage Area in Ozaukee County and accept a donation for \$27,370 from the Ozaukee-Washington Land Trust. The motion was carried unanimously by those members present. (Mr. O'Brien was absent).

4. Committee of the Whole.

4.A. Citizen Participation.

- 4.A.1. **Patricia Randolph**, Madison, representing RAVEN, presented a proposal to the Board to bring in money from the non-hunting public. Ms. Randolph reflected on her past experiences and presented a poster for the non-hunting public to learn one by one that there is a vote and an election. Ms. Randolph proposed to the Natural Resource Board that since they pay for the wildlife refuges and they pay for the public lands in the Stewardship Funds and they bring \$1.3 billion to the economy that the Board go ahead and fee them publicly rather than take a percentage of the sales tax. She asked the Board to set another election process for the non-hunting public from which the hunters are equally excluded by their hunting licenses and give the non-hunting public a voice to protect by adversity. Create birding trails, do the things that the non-hunting public should be doing, need to be doing, want to be doing, and have been excluded from. She said they have been excluded and they want to participate. It is the Board's duty to let them participate and if that requires more money than fees, then give them a process comparable to the process that they are use to which is a vote and an election for the non-hunting public to vote their money to help this state in the wild.

Ms. Randolph asked the Board to give them a voice and not to hid it in the sales tax. She asked for participation and balance in the process.

Discussion and comments pursued regarding: fee charges; hunters paying into the process; special interests; having a mechanism or a voice for the non-hunting public; Wisconsin birding trail presently being created; and Crex Meadows Wildlife Area, developed with hunting and fishing dollars, that is visited yearly by million residences yearly.

Chairman Solberg responded that what Ms. Randolph is asking for is controlled by the legislators not by the Board. **Mr. El** responded that it seems to him that there is almost a universal agreement that there should be other mechanisms beyond license fees to support many of these programs. You are probably aware of the study that was done a few years ago analyzing this. The problem is that anything that raises a lot of money is a whole lot like a tax and they are not in a position at this point, at this Board level, to be arguing for any new taxes or sequestering of funds in the division of any existing taxes. I think there is agreement of a lot of what you are saying, but show us a mechanism that works. He stated that Ms. Randolph is speaking to the wrong audience, she needs to go to the Legislature.

4.A.2. **Ty Bollerud**, Janesville, representing himself, spoke on creating and supporting a bike path in Rock County. Mr. Bollerud proposed to the Board that the Department fill in a portion of the Rock River along one bank to create land for a bike trail. He asked for a policy change from the DNR Board sent up to the Legislators regarding re-utilizing the water to retain the ground water levels. Mr. Bollerud presented the Board with a handout entitled The Most Polluted States: Direct Discharges and Estimated Sewer Discharges of Toxic Chemicals 1992-1996.

4.A.3. **Greg Kazmierski**, Waukesha, representing the Wisconsin Deer Hunters Coalition, spoke on the hearing process for all hearings. Mr. Kazmierski stated that he opposes parts of this process. He spoke of increases in license fees and sales being down. He further stated they need to look at where the hunters are in this process and the hunters feel they have very little say. He stated that he has been involved in the hearing process for several years and found difficult to follow. Mr. Kazmierski stated that in the process documents cannot always be found in a printed form accessible to the public. It isn't on the website, it isn't on the internet. He stated that it is time to reach out to the hunting community more and look at the process. That they reach out to the public so they can become part of the process. He further stated that the process has been changed within the Department and now the hunters don't have input at this meeting regarding T Zones. There is always something changed in the process that separates the Department from the public input. Mr. Kazmierski stated that he would like to see a website so the public can review these rule orders when they are drafted, what the procedures are, what the processes are, so they can reach out to people and get them involved.

Mr. Tiefenthaler stated that he thinks this is a good idea. He stated that a lot of people on the Board get questions about the process. It might be a good idea to have a space on the green sheet to show where the process is, what the future process is, and what the timing would be as part of the presentation to the Board. This could be part of the green sheet format.

Discussion pursued regarding the hearing process, availability of rules to the public, shortage of documents, and consistency of being able to follow these rules through the process.

4.B. Presentation of the 2003 Registered Laboratory of the Year Awards.

David Webb, Chief, Environmental Science Services Section, presented this item. Mr. Webb reviewed the history of Registered Laboratory of the Year awards. The Cedarburg Wastewater Treatment Plant Laboratory located in Cedarburg, Wisconsin, received the award for the Large Registered Facility category and the Berlin Water and Sewer Utility Laboratory, located in Berlin, Wisconsin, received the award for the Small Registered Facility category.

Mr. Webb stated that the Berlin Water and Sewer Utility Lab collects and analyzes BOD and TSS samples seven days per week. Phosphorus samples are collected seven days per week and analyzed five times a week. The lab director is Mr. Richard Keller and Mr. Richard Newport is the primary analyst. Their attention to detail and strong quality control practices have resulted in a very high quality data. This kind of dedication is well above average and deserves recognition. They follow excellent quality assurance practices; lab data is used extensively as a management tool to help with the actual operation of the wastewater plant; replicates are done more frequently than required; lab is very clean, well organized, and well equipped to perform testing; few deficiencies were noted and they were very minor deficiencies; phosphorus spike recoveries are very accurate; phosphorus, BOD, and TSS replicates are very precise; control limits are very stringent, yet are rarely exceeded; they maintain two spectrophotometers and run separate curves on both every two to three months; lab staff makes a concerted effort to attend lab training sessions when possible; records are very detailed, neat, and exceptionally well organized; lab has prepared and uses an excellent quality assurance manual; DMR reporting is extremely thorough and accurate; consistent performance is demonstrated by the fact that deficiencies in the 1998 audit were minimal and remain resolved; and the Berlin Water and Sewer Utility primary analyst, Mr. Newport, demonstrates a very high level of dedication and competency.

Secretary Hassett presented the award to Mr. Dick Newport for Small Registered Lab of the Year Award.

Mr. Newport thanked everyone involved in the nomination of this award, stating that it is an honor and is gratifying to know that people recognize when you put out an effort.

Mr. Webb stated that the Cedarburg Wastewater Treatment Plant Laboratory provides analytical support for Cedarburg's wastewater plant, and analyzes plant samples for biochemical oxygen demand, ammonia, total phosphorus, and total suspended solids. Wisconsin DNR Audit Chemist John Condron nominated the laboratory for recognition. The number of deficiencies were not large and these were resolved quickly. The calibration curves indicate high quality calibrations. The QC limits are stringent. The laboratory uses its own prescriptive QC checklists to troubleshoot required methodology and code and recommended laboratory practices concerns. The laboratory does more than the minimum requirements of methodology and code. The laboratory has kept up with requirements by attending at least one laboratory-training course offered by Rural Water Associations, the State Laboratory of Hygiene, and the Department a couple of years ago. The laboratory maintains very good records, which are very defensible.

Secretary Hassett presented the award to Mr. Mark Pipkorn and Eric Hackert.

4.C. Presentation of Shikar-Safari, Wildlife Officer of the Year Award to Ronald Preder.

Randy Stark, Director, Bureau of Law Enforcement, announced that Ronald Preder, Law Enforcement Supervisor, was the recipient of the Shikar-Safari Wildlife Officer of the Year Award. Mr. Ron Preder, Warden Supervisor of the Department's Southeast Region, has been selected as the winner of the Shikar-Safari Club International Wildlife Officer of the Year award for 2002.

Mr. John Pearson, Shikar-Safari Club International, was introduced by Mr. Stark. Mr. Pearson spoke of the history of the Shikar-Safari Club Award and fund raisers that the club holds. Mr. Preder is very deserving of this award. Ron has been supervising two teams since a retirement of one of our supervisors retired and has done an admirable job handling the workload. He also has taken on the responsibilities of supervising a new position added to his region for Regional Investigator. Ron was instrumental in the chronic wasting disease investigations coordinating the efforts of his staff. Ron also was a liaison with the Department of Transportation on negative environmental impacts due to road construction. Because of his investigations and efforts the department now has a new liaison agreement that addresses the concerns of protecting our natural resources. Mr. Pearson presented the award to Mr. Preder.

Mr. Preder thanked the Shikar-Safari Club for making this award available to him and the law enforcement officers throughout the nation. He also thanked the Secretary and the Board for taking the time to recognize both his accomplishments and his work in the Department throughout the years. He further thanked his fellow enforcement team for recognizing him.

4.D. Presentation of Hunter Ethics Award.

Steve Dewald, Warden Supervisor in LaCrosse, presented the Hunter Ethics Award. He reviewed a brief history of the Hunter Ethics Award and he thanked the LaCrosse Tribune for the continued support of this award. Two waterfowl hunters who came to the aid of a conservation warden are the 2002 winners of the Wisconsin Hunter Ethics Award. Gerald Meyer, Jr., of Waterford, and James Swentik of Delafield are the recipients of this award. The men were chosen for their actions in assisting a conservation warden who was at risk from an intoxicated hunter operating a motorboat. The intoxicated man was attempting to drag a warden into deep water with his boat when the two sportsmen intervened. Mr. Swentik and Mr. Meyer were returning to the Big Slough Landing along the Mississippi River in Crawford County last October at the time of the incident. "We had met the warden the day before when he checked our ducks and licenses," Swentik stated, "I remember it was a pleasant experience when he checked us".

DNR Warden Bob Jumbeck described what happened at the boat landing. "I had found a loaded 10 gauge shotgun in the hunter's boat and could smell an intoxicant on the man's breath. I had just completed getting some information from the man when he ran to his boat and started the motor. I grabbed the bow of the boat but he pulled away too fast pulling me into deeper water. I called to Gerald Meyer to block the man's boat so he couldn't back out any more".

After Mr. Meyer blocked the man's escape, the man attempted to drive Warden Jumeck into the rocky shoreline to pin him beneath the boat. However, Mr. Swentik grabbed the hunter's boat as it came to shore so it would not pin the warden beneath the boat.

"We are grateful that these men were willing to take action," said Steve Dewald, DNR Warden Supervisor in LaCrosse. "This incident could have deteriorated rapidly because Warden Jumbeck was in significant physical danger. An officer in that position can consider the use of deadly force to protect himself or others".

The man was convicted of operating a boat while intoxicated and resisting a conservation warden. The man was ordered to pay \$1500 in penalties and is required to attend boat safety and alcohol-related classes.

Jumbeck is grateful Meyer and Swentik were there to help. "All too often wardens and law enforcement personnel are not able to recognize people who help out", Jumbeck said. "We usually get confidential information and we can't say thank you publicly. In this case, these two men went above and beyond the call to protect other people. If this man had gotten away, he could have caused serious problems on the highway and injured other people".

"We need to recognize people who are willing to step forward and help others", Dewald said. The efforts of these men are consistent with the theme of the hunter ethics award. The theme of the award is, "Hunters helping others, or hunters engaged in behavior that reflects positively on the tradition of hunting rather than pursuing personal gain.

Warden Dewald presented the awards to Mr. Meyer and Mr. Swentik. He also thanked the Board and the Secretary for allowing them to be on the NRB Agenda to present these awards.

4.E. INFORMATIONAL ITEM - Crandon Mine Update and Environmental Impact Statement.

This item was deferred to a future meeting.

4.F. INFORMATIONAL ITEM - Update on Wolf Depredation Control and Damage Payments.

Signe Holtz Director, Bureau of Endangered Resources, presented the update on wolf depredation control and damage payments with a powerpoint presentation. Ms. Holtz stated that the federal government has downlisted the wolf in the State of Wisconsin from federally endangered to federally threatened. That will make changes in how they will be able to handle depredation. She then presented:

- The Wisconsin DNR's Depredation Program History
- Creation of the DNR's depredation program
 - 1983 - 1985 Budget Bill
 - Created income tax check-off
 - Voluntary payments
 - Pay for damage done by E/T species (3%)
 - 1999-2001 Budget Bill
 - Added 3% of ER license plate revenue to depredation program
 - Added language requiring payment for wolf depredation regardless of listing
- Cost of depredation program
 - Total \$285,729.94 paid for wolf claims
 - 1999-2000 \$72,000
 - 2001-2002 \$63,000
 - 2002-2003 \$65,000
 - Total \$36,000 for all other species
 - Double-crested cormorants
 - Bald eagles
 - Trumpeter swans
- Wolf damage summary chart was presented
- Control of predatory wolves targeting livestock at calving time
 - They have two chronic farms
 - One is calving and there is depredation there, Wildlife Services trapped for two weeks and no wolves were caught. They requested and received a kill permit for this farm, but this will no longer be necessary
 - There have been no depredations at the other chronic farm yet - with the federal reclassification to threatened they will be able to kill any problem wolves
- Downlisting wolves
 - U.S. Fish and Wildlife Service announced the federal downlisting of wolves from endangered to threatened status on March 18
 - They will be able to conduct lethal controls as soon as the Federal Register rules are published on April 1
 - They will implement the guidelines for conducting depredation control
 - Does not allow private landowners to take wolves in Wisconsin
- Funding from U.S. Fish and Wildlife Service
 - There was funding available from Fish and Wildlife Service for private landowners
 - This money is now gone and there is not money in the federal budget bill for this fiscal year
- Another funding source
 - USDA Wildlife Services will receive \$1,050,000 for MI, MN, and WI for wolf work - new federal funding made possible through the work of:
 - Wolf Stakeholders Committee
 - Other farm operations
 - Environmental organizations
 - DNR efforts
- Review of payment and administrative procedures
 - Time between claim is submitted to Department and person is paid (average) 25 days.

Ms. Holtz presented graphs/charts which reflected the livestock depredation versus wolf population from 1976 through 2002. She also handed out a brochure from the Wisconsin Cattlemen's Association entitled "Wolves in Farm County in Wisconsin" and a guideline for conducting depredation control on wolves in Wisconsin following federal reclassification to threatened status, dated May 20, 2002. Ms. Holtz also handed out the Wisconsin Wolf Management Plan dated October 27, 1999 by the Wisconsin Department of Natural Resources.

Discussion pursued regarding depredation; trapping; wolf pups; problems with the wolf plan; cow calve operations; cows conceiving with wolf being present; coyote depredation; once plan is approved the authority to change it; helping people understand they can't take killing of wolves into their own hands; determined depredation of species and the missing animals; speaking to the cattlemen; research done on farms; paying indemnity; administrative rule timing; U.S.D.A. Wildlife Services doing the investigating; cost of paying for depredation; changes with the delisting process; outsiders being prepared for what happens in these areas; rule zones; dog damage and dog training; the number of wolves and what would be done; federally delisting; control plan calling for starting the state delisting process; following the plan; and commitment to working with the public; the wolf count; hearings over the summer or fall coming back to the Board after that; and controversy.

Mr. Behnke stated that they need to come up with a better system for determining losses in investigating incidents without having people actually going out and trying to determine the loss.

Chairman Solberg stated that they need to continue talking to the federal staff and explain this. We are at the point where we would have worse problem then we already do. We need to get the final delisting process completed.

Handouts of graph/charts on Livestock Depredation versus Wolf Population were given to the Board.

Ms. Holtz presented a letter of thank you for the John Volkmann Family of the Pine Valley Farm regarding the wolf problem they had on their farm.

No action was taken on this informational item.

4.G. INFORMATIONAL ITEM - Chronic Wasting Disease Update.

Bill VanderZouwen, Chief, Wildlife and Landscape Ecology, presented the chronic wasting disease update. With a powerpoint presentation Mr. VanderZouwen covered:

- Winter operations update
 - Total bait sites - 305
 - Active bait sites - 74
 - Hunter shot deer - 291
 - Government shot deer - 349
 - Total deer shot - 640
- Aerial surveys
- Herd reduction progress
 - Eradication zone herd reduction:
 - 2002 spring surveillance - 423
 - 2002 summer hunts - 1515
 - 2002-2003 fall hunts - 6683
 - 2003 winter bait and shoot - 640
 - Total - 9,261

- Population survey results
 - EZ helicopter routes - flown over 100 sections
 - MZ fixed wing flights - flown over portions of 8 deer management units
- Preliminary EX population estimates
 - Fall 2002 - 16,400-17,900
 - Currently - 7,400-11,800
 - Fall 2003 - 12,100-14,300
- Current test results and CWD distribution
 - Testing progress
 - EZ 36% complete
 - MZ 95% complete
 - OS 95% complete
 - Positives
 - EX - 74
 - MZ - 6
 - OX - 0

Discussion pursued regarding Minnesota game farms, depopulation, where Minnesota game farms acquired their elk from, and infected elk herds.

- Management zone sampling surveillance
 - Township/County results
 - Orion (Richland County) - 35
 - Blackhawk - 32
 - Clyde - 7
 - Wyoming - 41
 - Hillside School - 15
 - Sauk City - 13
 - Rock County - 57
- CWD hearing summary
- Statewide hearing comments
- Rule implementation process
 - April 23 - rule adoption
 - May 28 - emergency rule on zones
 - May - Legislative review
 - September - rule becomes effective
- Research progress
 - 36 deer are now radio-marked and providing information in the EZ
 - 20 adult doe
 - 5 adult buck
 - 5 doe fawn
 - 6 buck fawn

- A tonsil biopsy is taken from every deer captured
 - 2 radioed does have tested positive for CWD
 - 1 was killed March 24
- Trapping continues, but success is expected to decline at the weather warms and vegetation begins to green
- Radioed deer are checked daily for two weeks after capture and then their position is located and plotted at least two to three times per week thereafter
- Radioed deer will be monitored closely during the spring and fall dispersal periods to determine the distances traveled by different age and sex groups

Warden Karl Brooks, Snowmobile/ATV Administrator, presented the investigation portion of the chronic wasting disease update in relationship to deer farms, the investigation audit, and inspection report. With a powerpoint presentation Warden Brooks presented:

- DNR - DATCP MOU
 - On March 18th Secretary Hassett and DATCP Secretary Nilsestuen signed an MOU that pledged the cooperation of both agencies to manage chronic wasting disease and other wildlife health diseases
 - Along with the MOU, the DNR provided DATCP officials with a detailed report regarding the status of whitetailed deer farms across the state
- Deer farm audit and inspection
 - More than 200 conservation wardens and support personnel attempted to conduct on-site inspections of deer farm fences and deer farm records (audits) for all 639 whitetail deer farm licenses
 - Every audit procedure included an inventory of captive deer, fence inspections, animal reports, receipts and records of sales, purchases and transfers of deer
 - Of the 639 deer farm licenses that were issued to 611 people in Wisconsin, 550 farms were inspected
 - Teams of two wardens inspected most farms and teams of up to six wardens were used to expedite the inspection of facilities that covered a large area or consisted of a large population of deer
 - Extensive interviews, property searches, and surveys were conducted
- Inspection goals
 - Provide DATCP with a clear picture of the condition of Wisconsin deer farms prior to January 1, 2003
 - Inventory and define that status of the captive whitetail deer industry in Wisconsin DNR
 - Protect Wisconsin's wild deer herd by inspecting all exterior fences on deer farms
 - Identify fencing that does not meet the state's minimum standards
 - Work with farmers to make the required repairs
 - Determine the origin of CWD-positive captive deer
 - Identify farms that may have been exposed to the disease
 - Determine the current location(s) of exposed deer
- Deer farm audit and inspection
 - 77 farms were found to be in violation of fence specifications
 - Deer farms contained at least 16,070 deer
 - 7,670 antlered buck
 - 8,276 antlerless
 - 124 unspecified
 - 182 deer farmers reported escapes or intentional releases into the wild, totaling at least 671 deer
 - Deer farmers reported at least 436 escaped deer that had not been recovered or returned to farms
 - 24 deer farms were unlicensed

- Records retained by deer farm operators ranged from meticulous documentation to simple reliance upon memory
- Next steps
 - The DNR will continue to be active partner concerning deer farm management in Wisconsin
 - DNR and DATCP - will use the framework of the MOU to regulate farm-raised whitetail deer, promote animal health, and protect animal resources in Wisconsin
 - DNR will share information and recommendations with DATCP that will provide the best level of protection for wild and captive deer herds
 - DNR wardens will continue to monitor, inspect, and regulate whitetail deer farm fences
 - DNR and DATCP will continue to monitor disease issues to address threats to captive or wild herds

Discussion pursued regarding deer farms in the eradication zone, non-reports of escapes in the eradication zone, obvious escapes not reported in the eradication zone, old abandon mines in the eradication zone regarding the possibility of heavy metals being a contributing factor to chronic wasting disease. Staff reported that no evidence has been found that metals played a specific role in chronic wasting disease and that DATCP is collecting soil samples and prepare analysis and try and make some determination.

Chairman Solberg asked if DNR could put out these metal studies to refute some of the information on metals and chronic wasting disease. **Mr. Tiefenthaler** responded that the DNR should put out a statement on this issue, that they are looking at metals and this is our position right now based on the information that we have. That it is not an influential factor at this point. So it is out into the public so this doesn't promulgate itself. **Mr. VanderZouwen** stated that there will be a presentation to the Board on April 22 from the Science Review Panel which will include this issue.

Mr. Behnke asked about the direction that the DNR is taking. He stated that he agrees totally and is in complete support with the procedures that have been in effect since a year ago, where they have gone in and determined and defined where they have the disease, to what extent, and how far it has spread. A goal of completely killing off every deer in the area infected, that this is an impossible goal. The goal of completely depopulating this area he felt is a false goal and now we realize that we can't meet it. Perhaps we should establish a level of deer per square mile that will probably serve the same purpose of containing this disease from being further spread. Secondly, we are spending a lot of money obviously \$12,000,000 on testing. He asked what the need to continue testing when we already know that the disease is in this intensive area. We know it is there, how much more do we need to know about what is there, other than the fact that it is already there and is it time to change our management direction now into some other area that will give us more of a control factor than the fact that we need to continue to test every animal that is killed in that area to determine whether it is or is not diseased. Testing of deer, that bothers him, that there is perhaps an age factor that it does not show up until the deer reaches a certain age. How can we be testing a deer that is one year old and it may or may not have it and it doesn't show up. These are areas that he thought they might look at doing something different in the way of research and control measures rather than continuing the expensive program of eradication, and testing every animal that comes out of an area.

Mr. VanderZouwen responded that in order to control the disease and possibly eradicate it. they definitely need both populations so that hopefully the disease either dies out or is removed rather than allowed to continue to spread from deer to deer. What threshold that is, they aren't absolutely sure. He stated that he didn't think they needed to kill every single deer but they need to get close. If you look at Colorado, you have five to ten deer per square mile and they still have spreading going on. It is something less than that, and personally he is not ready to give up on getting close to that. They do think they will be able to get more cooperation by next fall and they are looking at possibilities of substitutes. **Mr. VanderZouwen** stated they need to give themselves a couple of years to see if they are getting close. He stated that he is pleased with how far they have gotten. **Mr. Behnke** stated that he didn't disagree but at what point will we have a number of how many per square mile. **Mr. VanderZouwen** responded they haven't identified a number yet, however, in Colorado five hasn't been low enough and it will probably be lower than that.

Mr. Behnke responded with the need to test every deer in that area. **Mr. VanderZouwen** stated that, based on everything that he heard and he is not part of the team that decides this, they definitely want to have a very high level of surveillance in the management zone so they can catch these new deer moving out and possibly spreading the disease. This certainly will be a focus next year. Within the eradication zone they have actually found positive cases in two deer that were born this past year, they are only nine months old. Typically, it is 15 to 18 months before you find it but they must have had a very high enough dose passed on that it could be found in a nine month old fawn. There are a lot of research objectives that Dr. Sarah Hurley, Division of Land Deputy Administrator and Veterinarian addressed the issue on research objectives. She stated that the primary reason for doing the testing and continuing the testing in the eradication zone is because those tissues are like gold. For all of the research needs that folks are working with all over the world, including doing studies with levels of metals such as cooper, and muscle tissue, they need to know, as they are making decisions about where those tissues go and what priority the different research projects have, whether or not they are positive or negative. Initially, once they have discovered that the disease was there they needed to know, during this first year, exactly where in the eradication this is occurring. They are also using that information with the computer folks at the University to get to the other question that they had on what deer per square mile numbers to they need to get to. They can look up the positives and the nearest neighbor concept and they do some computer modeling with these to come up with deer to deer contacts from those deer. They are getting a lot of information from those animals and those positives in the eradication zone continue to be very valuable tissues for people all over the world. It may be that we can and actually have this past year substitutes to do the testing. They are not paying much for those test samples that are being run in the eradication zone because it is recognized that those are going all over the world for research. That is the other reason for testing in the eradication zone, the fawns. We want to know from an intellectual standpoint when you would start to see this disease happening and this was a golden opportunity to find that out. **Mr. Behnke** inquired if other research and testing methods going on right now. **Dr. Hurley** responded that the DNR isn't actually doing much of the research except for the things that Mr. VanderZouwen explained but they are providing tissues for that research.

Mr. Ela stated that he wanted to pursue the point that Mr. Tiefenthaler and Chairman Solberg were making. The claim that this disease originates in toxic environmental contamination is significant not just as a theory of the disease's origin, but as a theory of its non-transmissibility. Some people claim that it can only be acquired by this means, and that there is no evidence that animal to animal contact affects its spread. Accepting that assertion, nothing that the Department is doing to stop the spread of the disease makes any sense, whether it is the baiting or feeding ban or whatever. He thought it would be useful to have a fact sheet, or a frequently asked questions sheet, that addresses the evidence of transmissibility; while there may be no certainty, why is it that the leading experts on CWD believe that the disease is spread by animal to animal contact, and does not depend on the consumption of toxic contaminants. You aren't going to convince the diehards, but you can perhaps make an impact on the general population.

Discussion and comments pursued regarding: behavioral studies between mule deer and whitetail; if there was a genetic link between, mule deer, whitetail deer, and elk; genetic differences; independent studies; trust issues; baiting and feeding and CWD; the northern portion of Wisconsin whitetail herd already having leptospirosis ; listerioses, and brain worm; earn-a-buck; the hearing in Waukesha this year; different estimates of deer numbers and those being down 25%; earn-a-buck being a performance measure that gives the most dead deer at the end of the year; taking earn-a-buck off for a year; and helicopter surveys.

No action was taken on this informational item.

Chairman Solberg left for a meeting at the Capitol. **Vice-Chairman Tiefenthaler** conducted the meeting until the return of Chairman Solberg.

4.H. INFORMATIONAL ITEM - 2003 Zone T Herd Control Deer Management Units.

Bill VanderZouwen, Chief, Wildlife and Landscape Ecology, presented the 2003 Zone T Herd Control Deer Management Units. With a powerpoint presentation Mr. VanderZouwen presented:

- Deer population goals based on biology, ecology, sociology, economics, and management capability
- Goal criteria in the code
 - Carrying capacity
 - Hunter success
 - Ecological and economic impacts of deer browsing
 - Disease transmission
 - Concern for deer-vehicle collisions
 - Chippewa treaty harvest
 - Hunter access to land
 - Ability to keep the deer herd at goal
- Administrative code to manage at goals that produce tolerable levels of agricultural damage
- Harvest quota based on projected fall population (post-hunt estimate, winter severity, population growth rate) compared to goal
- Zone T criteria
 - It is unlikely the deer population for the deer management unit will be reduced to within 20% of the over winter goal
 - The Department shall compare the deer harvest required to reduce the deer population to goal to the deer harvest likely to occur under the exiting season structure
- Zone T units and harvest of 20090, 2001, 2002, 2003

With two separate maps of the State, Mr. VanderZouwen pointed out the 2003 Zone T units and the possible earn-a-buck units for 2004.

- Added justification - sex age kill likely biased low in 2003 because:
 - Fewer license hunters
 - CWD impacts on hunter behavior
 - Weather conditions (fall precipitation, grown gun season)
 - Week later season with less rut
 - No baiting

With graphs, Mr. VanderZouwen showed a comparison of predicted versus actual total buck harvest from 1992 through 2002.

Then, with separate graphs, Mr. VanderZouwen showed predicted versus actual buck harvest per deer management units for 1997, 1998, 1999, 2000, 2001, and 2002.

In conclusion, Mr. VanderZouwen, with a graph, showed Wisconsin deer population from 1960 through 2002 (pre-hunt, post-hunt, and post-hunt goal populations).

Mr. VanderZouwen asked for guidance with Unit 42.

Vice-Chairman Tiefenthaler called on Chairman Steve Oestreicher of the Conservation Congress to comment on these units.

Mr. Oestreicher stated that he Conservation Congress and he have concerns about four units, 29A, 3, 5, and 42. These concerns are that they were to come within 20% of goal and this wouldn't happen in these units. In unit 29A (Iron County), they need to take out 969 animals in order to get within 20% of goal and he stated this has happened one time in history and that was in 2000, October and December T Zones. He spoke with a number of folks in this unit, specifically with loggers, and they stated that the deer simply are

not there. This is a perfect example of a unit that does not have a lot of hunters and there just are not a lot of deer. This is going to be an example of a unit that will be in earn-a-buck forever. Management unit 3 needs to take out 3,862 animals to get within 20% of goal, the maximum historic harvest including T Zones, is 2,600 animals. Those folks have now lost the December hunt. All of these units are north of Highway Eight. There is no way they will get back to within 20% of goal and they will be in earn-a-buck forever. He feels extremely confident, with talking with a great deal of loggers, that this past winter all across the north and he assured the Board that in many management units the buck kills are going down again this year. There are pockets that have deer and some of the private landowners refuse to shoot a doe. The makeup of their land is ideal, the deer have a good food source, they have a good bedding area, and those animals have no reason to leave those areas. He called upon Mr. David Ladd of the Conservation Congress to speak.

Mr. Ladd, Executive Councilor of the Conservation Congress and Chairman of the Big Game Study Committee, spoke with regard to units 3 and 5 and stated that an outside audit on sex age kill is needed throughout the state because the numbers are inaccurate. He stated that units 3 and 5 should not be put in a T Zone this year because the numbers aren't there. He further requested an outside audit on sex age kill deer because there are a lot of people that don't believe the deer numbers of the DNR. He understands that an outside audit on SAK is about \$75,000. He stated they need it throughout the state especially when there is CWD present because they don't even know how many deer are in that management area.

Mr. Oestreicher stated that the Conservation Congress requests that in the future the Board take back authority on setting T Zones. They have noticed some unwillingness of the Department to work with the Conservation Congress. He further stated that if the Legislative folks can't do an audit, then his request is to Joint Finance that they direct to allocate the money from within the agency budget immediately to get this done and if a fee increase would go into effect in 2004, they reimburse where ever they took the money from. It would amount to about 12 cents per every deer license sold and he thought there wouldn't be an outcry from the hunting community about this.

Mr. Tiefenthaler asked why the hunting community couldn't pay for a survey. All the clubs would be willing and the Congress would be a good vehicle to do this. **Mr. Oestreicher** stated that the Conservation Congress is really not in a position to solicit money. The previous audit of 1992 that was done didn't go into what they needed to know. **Mr. Tiefenthaler** responded that he thought if they put the word out a base club would be happy to raise money for an outside audit. He then asked how they would proceed and stated that he is in agreement with this outside audit. He stated they did learn a lot from the blizzard from this audit and what happens in the south that wasn't known previously.

Chairman Solberg returned to the meeting.

Mr. Ela asked if this \$75,000 audit would be assessing the Department's performance within the context of sex age kill (SAK) or looking for alternatives to SAK as a formula. **Mr. Ladd** responded that they wanted to get an audit by another professional. **Mr. Oestreicher** stated that the intent from the Conservation Congress standpoint of an outside audit is to increase public confidence in deer population estimates. Studies mostly conducted to evaluate the effectiveness, efficiency, and reliability of alternative herd estimation methods. Yes, they need that formula but they need additional tools to help verify the numbers. He then spoke of the Deer 2000 Process and the past two years of deer hunting.

Discussion pursued regarding deer numbers; opinions, amount of an audit; names of folks that are experts that could do an outside audit; getting within 20% of goal; SAK formula based on kills; adjustment for the SAK; SAK being low; mathematical models; T Zones; common sense; dealing with refuge land; earn-a-buck; clarifying the policy; public trust and perception.

Mr. Behnke stated that wildlife managers are out there also and seeing the same thing that the loggers and farmers are, hearing the same thing. Yet someone has to make a decision and they are in a better position to make a decision on this than the off the street person.

Mr. VanderZouwen then asked if the Board suggests dropping Unit 42.

Mr. Oestreicher mentioned the parties or scientists that would be willing or would have the time to do an outside audit. He then mentioned that since last month when the Department proposed the 23-day gun season, he has received 39 letters, 30 e-mails, and about three or four calls a night, and Mr. Ladd has as well. None of these folks are in agreement with that 23-day season and the majority are also opposed to the 16-day season. It is his understanding that Representative Johnsrud is bringing up the 16-day season again. He stated that Representative Johnsrud's question on the questionnaire one year ago was rejected by 69 counties in the state. It was also rejected in 1992 by 70 counties in the state. Even the concept of the 16-day season was rejected by 48 counties of the state last year. The other two versions of the 16-day hunt starting a week earlier or starting on the 15th of the month, both of those were rejected by 67 counties, but yet Representative Johnsrud was quoted in an article saying that 56% of the gun hunters support a 16-day season. **Chairman Solberg** stated that he brought this up two months ago saying they thought the deer herd would be high. Now when they came back with these numbers, he would not be for any different season that they have out there right now personally.

No action was taken on this informational item.

- 4.I. **Retirement Resolutions.**
- 4.I.1. Al Hauber.
- 4.I.2. Russell Jenkins.
- 4.I.3. Timothy Kessenich.
- 4.I.4. Katherine May.
- 4.I.5. David Merkt.
- 4.I.6. Terry Moe.
- 4.I.7. Jessýe Stamper.
- 4.I.8. Karen Vander Venter.
- 4.I.9. David Ward.
- 4.I.10. James Froelich.
- 4.I.11. Glenda Banasynski.

Secretary Hassett reviewed the careers of each retiree and commended them for their excellent years of service to the Department and the State of Wisconsin. **Mr. Behnke MOVED, seconded by Mr. Poulson, approval of the retirement resolutions, as presented. The motion was carried unanimously by those members present. (Mr. O'Brien was absent).**

- 5. **Board Members' Matters.**

5.A. **Herbert Behnke** - None.

5.B. **Jonathan Ela** - None.

5.C. **Gerald O'Brien** - Did not attend.

5.D. **Stephen Willett** - None.

5.E. **Howard Poulson** - requested information on and where we are with the UW buffer research. Also, he spoke with Dr. Hurley and inquired about the expanded work on the exotic New Castle Disease and would like the record to show that. He had concerns about commercial poultry flocks and wild bird habitat as to New Castle. Looking at the situation in California he wanted to know if there is a potential of concern.

5.F. **James Tiefenthaler** - received a letter from Mr. Glenn Svoboda regarding his shoreline on Lake Koskonong. Mr. Svoboda stated in his letter that he had lost at least 100 acres to raising lake levels. Mr. Tiefenthaler asked what could be done about this. He wanted to know if that lake is going to be raised, why this is happening, and what can be done to protect the kind of work that Mr. Svoboda has done to his property. He presented pictures of Mr. Svoboda's property and he stated that Mr. Svoboda would be a candidate for a news article in Wisconsin Natural Resources Magazine.

5.G. **Chairman Solberg** - None.

6. **Special Committees' Reports.**

There were no Special Committees' Reports.

7. **Department Secretary's Matters.**

7.A. **DONATION - from Project Child Safe for a gift of 50,000 gun locks.**

Mr. Tiefenthaler MOVED, seconded by Mr. Behnke, acceptance of the donation. The motion was carried unanimously by those members present. (Mr. O'Brien was absent).

7.B. **DONATION - from the Natural Resources Foundation for a gift of \$10,000 for the Endangered Resources Program for work on a field guide to the herptiles of Wisconsin.**

Mr. Ela MOVED, seconded by Mr. Behnke, acceptance of the donation. The motion was carried unanimously by those members present. (Mr. O'Brien was absent).

7.C. **DONATION - from the Kettle Moraine Natural History Association for a gift of \$20,000 for prairie and wetland restoration at the Scuppernong River Habitat Area.**

Mr. Tiefenthaler MOVED, seconded by Mr. Poulson, acceptance of the donation. The motion was carried unanimously by those members present. (Mr. O'Brien was absent).

7.D. **Request from the Natural Resources Senate Committee for Modification to Order FH-28-02 creation of NR 109, Wis. Adm. Code, pertaining to aquatic plants: introduction, manual removal and mechanical control regulations. (Adopted by NRB on December 4, 2002) (Item 3.A.2., Minutes of December 4, 2002).**

Mr. Tiefenthaler MOVED, Mr. Poulson seconded the Request from the Natural Resources Senate Committee for Modification to Order FH-28-02 creation of NR 109, Wis. Adm. Code, pertaining to aquatic plants: introduction, manual removal and mechanical control regulations. (Adopted by NRB on December 4, 2002) (Item 3.A.2., Minutes of December 4, 2002), as presented. The motion was carried unanimously by those members present. (Mr. O'Brien was absent).

Secretary Hassett asked the Board Members if they were comfortable with the memo dated March 21, 2003, that was sent to the Board Members earlier, regarding the Open Burning Update. He stated that they have a Legislative proposal that would give them civil citation authority, previous remedy was sending these types of things to the Justice Department. This would be only be done by wardens and he assured the Board this would have nothing to do with burn barrels. No action by the Board is necessary, however, Secretary Hassett asked if the Board had further questions regarding this memo. **Mr. Willett** stated that he has always had some concern about the issue of citations, no matter what they have been or the source of them. He applauded the Department to resolve this issue. It seems a better idea to have a citation than have to go through the Department of Justice. Open burning is a potentially very serious problem, not only to air pollution but to the land itself. His concern is that our law enforcement agencies are the best in the world and as a result of that a great deal of experience in using their own discretion. So when one of these matters is referred to them from the Bureau or the Department it would be Mr. Willett's request that part of the educational process of this would be for the Bureaus or the referring people to understand that just because they refer it, doesn't mean that the wardens are necessarily going to issue a citation.

Our law enforcement personnel should be allowed to preserve their discretion on the ground. Sometimes they choose, in the fact of an open violation, to handle it in a different manner. **Secretary Hassett** agreed with Mr. Willett that the officers would be allowed to use their own discretion.

* * * * *

The Meeting Adjourned at 2:05 p.m.